

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

H.J. HEINZ, CO., L.P.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-1883
)	Judge Cercone
CHARTER ONE BANK, N.A.)	Magistrate Judge Caiazza
)	In Re: Docs. 34,42,44
Defendant,)	
Third Party Plaintiff,)	
)	
v.)	
)	
MELLON FINANCIAL CORPORATION)	
)	
Third Party Defendant.)	

ORDER

IT IS HEREBY ORDERED that upon review of the en camera materials, the Plaintiff's Motion to Compel (Doc. 34) is DENIED.

IT IS FURTHER ORDERED that the Plaintiff's Motion to Compel (Doc. 42) is DENIED.

IT IS FURTHER ORDERED that the Defendant/Third Party Plaintiff's Motion for Leave to Take Additional Depositions (Doc. 44) is GRANTED in part and DENIED in part as set out by the court during the status conference held on October 20, 2005.

October 21, 2005

s/Francis X. Caiazza
Francis X. Caiazza
U.S. Magistrate Judge

cc:

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